

NEWS

QUESTIONS OR COMMENTS? Contact Jason Jump at (620) 896-7311 or email jjump@theharperadvocate.com

LOCAL OFFICER RECALL PROCEDURE (sedgwickcounty.org/media/30003/ks_recall_petition.pdf)

1. Form a recall committee of three registered electors of the election district

2. Prepare a recall petition using Form RP – Recall Petition; the recall committee is strongly urged to seek legal counsel in preparing the petition. Include on each page of a petition for recall of a local officer:

a. Name and Office of local officer to be recalled

b. Grounds for Recall described in particular in not more than 200 words.

Grounds for recall are: conviction of a felony, misconduct in office or failure to perform duties prescribed by law. “Misconduct in office” means a violation of law by the officer that impacts the officer’s ability to perform the official duties of the office.

c. A Statement that the petitioners are registered electors of the election district of the local officer sought to be recalled.

d. Names and Addresses of the three registered electors of the election district of the officer sought to be recalled who comprise the recall committee

e. A Statement of Warning that any person who signs a name other than that person’s own name to a petition for recall of a local officer, or who knowingly signs more than once for the same proposition at one election, or who signs the petition knowing he or she is not a registered elector is guilty of a class B misdemeanor

f. A Statement that a list of all sponsors authorized to circulate the recall petitions may be examined in the office of the county election officer.

3. File a copy of the petition with the County Election Officer

a. A Petition may not be filed during the first 120 days or the last 180 days of a person’s term of office

b. The copy of the petition filed must be signed by the members of the recall committee in the presence of the County Election Officer

c. File a list of all sponsors authorized to circulate the recall petitions along with the copy of the petition

d. Upon request, the County Election Officer shall notify the recall committee of the official number of votes cast for all candidates for the office of the local officer sought to be recalled, such percentage to be based upon the last general election for the current term of office of the officer sought to be recalled

4. County Election Officer transmits the copy of the petition to the district attorney to determine sufficiency of the grounds for recall and the format of the petition.

The district attorney has five days to make the determination and notify the county

election officer and the recall committee. An “insufficient” determination shall include whether:

a. The facts do not support the grounds for recall as stated in the petition for recall;

b. The petition is not substantially in the required form;

c. The petition was filed during the first 120 days ... or within less than 180 days of the termination of the term of office of the officer sought to be recalled;

d. The person named in the petition is not a local officer;

e. There is an insufficient number of required signatures of any kind;

f. The local officer sought to be recalled has been or is being subjected to another recall election during such officer’s current term of office; or

g. The application does not conform to any other requirement of the recall act.

5. Upon receiving notice that a petition is sufficient, the petition may be circulated.

a. The number of signatures required is not less than 40% of the total votes cast for all candidates for the office of the local officer sought to be recalled at the last general election for the current term of office of the local officer to be recalled, divided by the number of people elected

b. The petition must be circulated in person by a sponsor and only in the election district where the sponsor resides

c. The petition cannot be circulated in more than one county

d. The names must be signed in ink

e. A person who signed the petition may withdraw his or her name by giving written notice to the county election officer before the final petition is filed

f. Each sponsor must complete a notarized Affidavit and attach it to the petition pages the sponsor circulated before filing the final petition; the Affidavit is on second page of the Recall Petition form File the final petition with the County Election Officer. The necessary signatures of registered voters must be secured and filed within 90 days from the date the recall committee receives the determination from the county attorney

b. Within 30 days of receiving the petition the County Election Officer will review the petition and notify the recall committee and the local officer if the petition was properly or improperly filed, including having a sufficient number of valid signatures

7. The election will be held between 60 and 90 days after notification that enough signatures were on the petition

a. Within ten days of the notification, the officer sought to be recalled may make a statement of not more than 200 words in justification of his or her conduct, which will be maintained in the Election Office for public inspection.

b. The wording of the ballot question will be: “Shall (name of official) be recalled from the office of _____?” Provision shall be made for marking the question “Yes” or “No.”

c. If the officer is recalled, the office will be vacant the day after the date the election is certified by the county board of canvassers. The vacancy in office will be filled in the same way that a vacancy caused by other reasons is filled. The person who was recalled is not eligible to be appointed to fill the vacancy

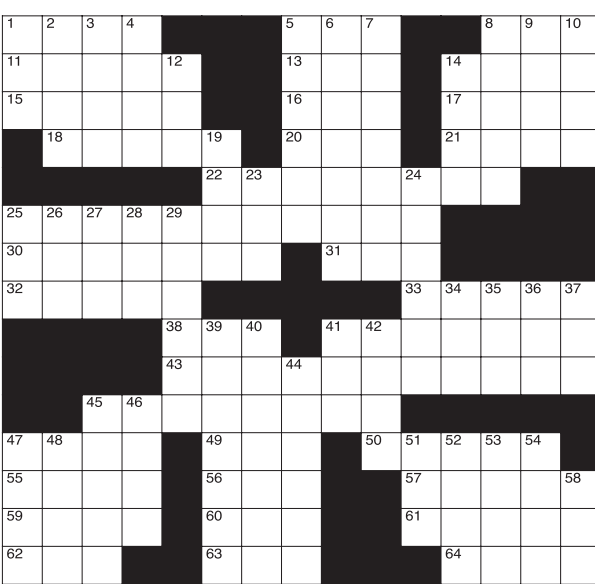
8. Monies received and/or expended in consideration of a recall effort must be reported pursuant to K.S.A. 25-901; 25-901: 25-901. Election campaign finance in cities, unified school districts, community colleges and townships; organizations promoting or opposing candidates or propositions to have treasurer and keep accounts of receipts and expenditures; filing of annual statements; contents; time of filing; state political party committee accounts, audited. Every committee, club, organization, municipality or association designed to promote or engaged in promoting the success or defeat of any party or the election or defeat of any candidate or candidates for any city of the second and third class, unified school district, except unified school districts having 35,000 or more pupils regularly enrolled in the preceding school year any community college or township office, or the adoption or defeat of any question submitted at any city, unified school district, community college, township or county election, shall have a treasurer, and shall cause to be kept a detailed account of all moneys or property or other thing of value received by it, and of the manner in which the same shall be expended; and shall file annually with the county election officer of the county in which such committee, club, organization or association has its headquarters a statement of all its receipts and expenditures, showing in detail from whom such moneys or property or other thing of value were received, to whom such moneys or property or other thing of value were paid, for what specific purposes each payment was made, and the exact nature of the service rendered in consideration thereof. The annual statement herein required shall be filed on or before December 31, such statement shall cover the period ending on December 1 immediately preceding...

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CLUES ACROSS

1. Computer manufacturer

5. Noted space station

8. Kurt Russell film “Captain”

11. Automaton

13. Everyone has one

14. Incline from the vertical

15. Fights

16. Dunn & Bradstreet (abbr.)

17. Finishes off

18. Places to store things

20. Dutch painter Gerard ____

21. Smaller quantity

22. There’s a North, South and Central of these

25. In an early way

30. More spacious

31. Short-term memory

32. One who possesses
33. Sesame

38. Forbid

41. A way to explain

43. Not around

45. Evoke or suggest

47. Ancient kingdom near Dead Sea

49. Dekameter

50. Fencing sword

55. “Luther” actor Idris

56. Affirmative (slang)

57. Afflicted

59. One point north of northeast

60. Born of

61. Arabic name

62. Hong Kong food stall: ____ pai dong

63. Not the start

64. Post

CLUES DOWN

1. Creative expression

2. Fiber from the outer husk of a coconut

3. City in ancient Syria

4. College army

5. More disturbed

6. Pays no attention to

7. Restored

8. Competitions

9. Lyric poems

10. Famed American lawman

12. Expression of disappointment

14. Scars

19. Satisfy

23. Central European river

24. Brass instrument

25. One who gets paid to perform

26. Propel with oars

27. Long period of time

28. Woman (French)
29. Type of plane

34. Pitching stat

35. Pointed end of a pen

36. Pro sports league

37. Body part

39. Inoffensive

40. Yellowish cotton cloth

41. Feline

42. Does not tell the truth

44. Set out to attract

45. Spiritual leader of a Jewish congregation

46. Abba ____, Israeli politician

47. Repair

48. Genus of flowering plants

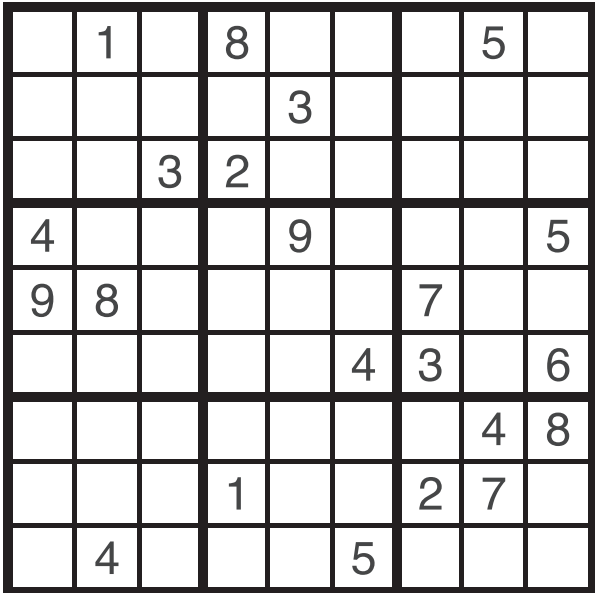
51. Tributary of the High Rhine

52. Prejudice

53. C. European river

54. Restrain

58. Father



W D U E P V N R B F W M B G W F U U L A
T E N V H H A M U A H F L O O R L E S S
B L K L U C B I K B V F R F I C H K O U
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U H C E T O L W E G E S P N F A L T D F
L C D T H E K R K K R K C A B L E M A C

DIPS AND FLIPS WORD SEARCH

AIRTIME, ANGLED, ASCEND, BANKING, BARREL ROLL, BOOMERANG, BRAKES, CAMELBACK, COASTER, COBRA ROLL, CORKSCREW, CURVES, DIVE, DROP, ELEVATED, FLOORLESS, GRAB BARS, INVERSION, LAUNCH, LOOPS, STANDUP, TURNAROUND, TWISTER, WOODEN

COUNTY

• From Page 1

on Sunday asking that exact question.

“He (the caller) said you’ve got to do something. This can not continue like this,” the District 3 commissioner said of the phone call.

Waldschmidt said the only thing the commissioners can do is control the budget of Martin’s department. He said he was about ready to look at that option.

“I’m already there,” Struble said. “I’m done. I’m done.

“That was a 180 days – 180 days and we couldn’t do nothing in 180 days?”

Waldschmidt said one of the worst things to think

about was that Martin earlier in the year told commissioners and law enforcement that things were okay and getting better in his department.

“I think all of us are at our limit,” McCurley said. “We’re done with the whole situation. We’re done talking about it. Done being told that things are taken care of – things are getting better.

“Something’s got to give. If the only thing we can do is (change your) salary, then that’s where we’re at. It’s unacceptable. We have to do what we can do to show the county – our community – we know that there’s an issue and to be done with it.”

Struble said the commissioners were not the only ones frustrated. He said law

enforcement is still frustrated as well.

McCurley said this hasn’t been an isolated incident.

“This is it. The buck stops here,” she said. “(There have been) multiple issues. (There have been) multiple complaints from staff in the building, from citizens.”

Martin also addressed the other issue Struble brought up. He said he did not know what happened as to why he didn’t show up for the hearings. The county attorney said it could have been due to a doctor’s appointment.

“I’m not sure. I’d have to look,” he said.

Martin said the hearings were standard motions and the state didn’t have any objections whether he was

present or not.

“But anyway, I’m here to discuss the budget,” the county attorney said.

Waldschmidt asked what would happen if an employee didn’t show up for work in the private sector.

“Any other (county) employee, if they were not elected, would have been let go,” McCurley said. “And we don’t have that option (to fire the county attorney) so then all we have is his salary.”

“I’m finished,” Waldschmidt said.

“Well ya’ll have a wonderful day,” Martin said as he got up to leave. “Well, if you guys actually want to have a conversation about how things actually work feel free to reach out.”

Martin, before he left, said he wanted to caution the commissioners that any “changes to the salary could result in not having a county attorney.”

“I’d rather go without at this point,” McCurley said.

Struble said the board would have to cross that bridge when it gets to it.

“I wouldn’t mind seeing you two please,” Martin said gruffly to Anthony Police Chief Kenny Hodson and Harper County Sheriff Tracy Chance as he walked out of the room.

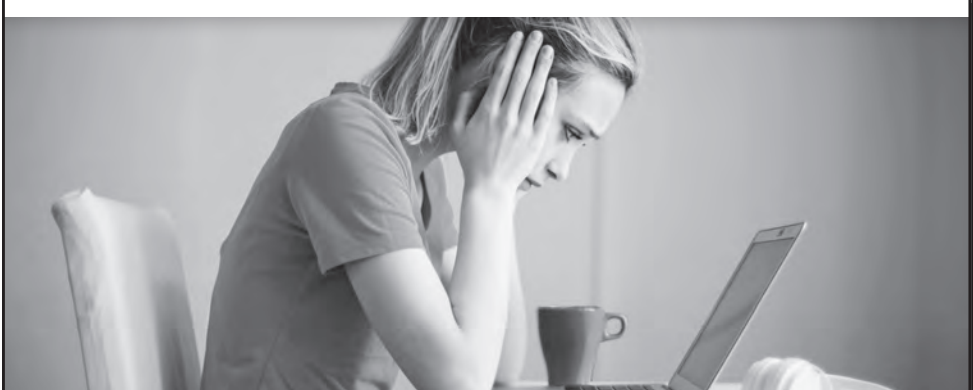
Another Option

While the county commission is limited to dealing only with the budget of elected officials, the board wanted residents to know they have the power to do more if they so choose.

In the state of Kansas an elected official can be removed from office by the electors of the county.

“The recall of a local officer is proposed by filing a petition with the county election officer of the county in which all or the greater part of the population of the election district of the local officer is located,” according to Article 43 of a 2019 state statute.

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